

2001 Legislative Summary

During the first year of the 2001–2002 Legislative Session, the Legislature and Governor enacted over 100 bills that affect the courts or are of general interest to the legal community. Brief descriptions of these measures follow, arranged according to subject matter. Designators indicate whether the measure is of primary interest to judges, court administrators, and/or practitioners in trial courts (T) or appellate courts (A).

The effective date of legislation is January 1, 2002, unless otherwise noted. Urgency measures normally take effect upon enactment, and some measures have delayed operative dates. Those dates are included where applicable.

The bill descriptions are intended to serve only as a guide to identifying bills of interest; they are not a complete statement of statutory changes. Code section references are to the sections most directly affected by the bill; not all sections are cited.

Until the annual pocket parts are issued, bill texts can be examined in their chaptered form in *West’s California Legislative Service* or *Deering’s Legislative Service*, where they are published by chapter number. In addition, chaptered bills and legislative committee analyses can be accessed at www.leginfo.ca.gov/bilinfo.html. Individual chapters may be ordered directly from the Legislative Bill Room, State Capitol, Sacramento, California 95814, 916-445-2323.

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CIVIL LAW AND PROCEDURE

LIABILITY: FLOOD CONTROL AND WATER CONSERVATION FACILITIES	T
AB 92, CHAVEZ, CH. 756	
GOV 831.8, 831.9	
Extends for five years the existing conditional immunity from liability granted to the Los Angeles County Department of Public Works and its employees for injuries caused by the condition and use of unlined flood control channels or adjacent flood control spreading grounds. Also requires a Judicial Council report to the Legislature by January 1, 2006, on the incidences of injuries incurred, claims asserted, and claims paid during this new five-year study period.	

PRIVATE POSTSECONDARY EDUCATION: ACTIONS AGAINST SCHOOLS	T
AB 201, WRIGHT, CH. 621	
ED 94806 et seq., 94944 et seq., 94995.3	
Among other things, requires a student who brings an action against an institution under the Maxine Waters School Reform and Student Protection Act of 1989 to notify the Private Postsecondary and Vocational Education Bureau of the existence of the lawsuit, the court in which the action is pending, the case number of the action, and the date of the filing of the action, as specified. Also requires the student to notify the court that he or she has complied with the notification provision and prohibits judgment from being entered until the student has complied. Further authorizes a person to bring an action in small claims court for the recovery of actual or statutory damages, in accordance with specified procedures. Authorizes the court to order fines and other remedies against institutions.	

FALSE CLAIMS ACT: QUI TAM ACTIONS; NOTICE AND JURISDICTION	A,T
AB 222, WIGGINS, CH. 69	
GOV 12656	
Requires any person or political subdivision that has commenced a proceeding in the California Supreme Court, state Court of Appeal, or the appellate division of a superior court in which a violation of the False Claims Act is alleged, or in which the application or construction of the act is an issue, to serve within three days of the filing a copy of each paper, including briefs, on the Attorney General. Provides that timely compliance with these provisions is a jurisdictional prerequisite to the entry of any specified judgment, order, or decision. Authorizes the court to extend the three-day period for good cause.	

ACKNOWLEDGMENTS

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EMINENT DOMAIN T

AB 237, PAPAN, CH. 428
CCP 1250.410, 1250.420,
1250.430, 1255.010, 1255.030,
1258.220, 1260.040; GOV 7267.2

Among other things, requires the final offer of the plaintiff (public entity) and final demand of the defendant (property owner) in eminent domain proceedings relating to compensation to include all elements of required compensation and to indicate whether interest and costs are included. Also provides that the parties to such proceedings may by agreement refer the dispute to resolution by mediation or binding or non-binding arbitration and provides that the arbitrator's decision in a nonbinding arbitration is final unless within 30 days after service of the arbitrator's decision a party moves the court for a trial of the eminent domain proceeding. Sets the date of exchange of valuation data at 90 rather than 60 days prior to trial or the date set by the court. Applies to any proceeding commenced on or after January 1, 2002.

STRUCTURED SETTLEMENT T

AB 268, WAYNE, CH. 624
INS 10134-10139.5

Enacts additional disclosure and procedural requirements to the law regulating structured settlement buyouts in order to better protect consumers who sell their settlements. Provides that the transferee (settlement buyer) must petition for and obtain court approval of the sale in order for the transfer to be effective.

LANDLORD-TENANT: PAYMENTS T

AB 533, CEDILLO, CH. 368
CIV 1950.8

Makes it unlawful to demand any payment of money, including, but not limited to, "key money" or the lessor's attorney fees reasonably incurred in preparing the lease or rental agreement as a condition of initiating, continuing, or renewing a commercial lease agreement unless the amount of the payment is stated in the written lease agreement. Also provides that any individual violating this provision would be subject to a civil penalty of three times the amount of actual damages suffered by the person seeking to obtain the lease of the real property, and the person so damaged would be entitled to an award of costs, including attorney fees reasonably incurred in connection with obtaining the civil penalty.

HATE CRIMES: CIVIL PENALTIES T

AB 587, FIREBAUGH AND WESSON, CH. 261
CIV 52, 52.1

Specifies that the Attorney General, any district attorney, or any city attorney bringing a hate crime action may seek a civil penalty of \$25,000. Specifies that if this civil penalty is requested, it shall be assessed individually against each person who is determined to have violated the rights of any individual secured by law, and the penalty shall be awarded to each individual whose right or rights are determined to have been violated. Also increases the minimum penalty for a violation of another person's civil right to be free from discrimination under Civil Code sections 51, 51.5, or 51.6 from \$1,000 to \$4,000.

IDENTITY THEFT: CIVIL CLAIMS T

AB 655, WRIGHT, CH. 354
CIV 1785.10 et seq.

Among other things, allows a person to bring a cause of action against a claimant to establish that the person is a victim of identity theft; or, if the claimant has brought a cause of action to recover on its claim, allows the person to file a cross-complaint to establish that the person is a victim of identity theft in connection with the claim. Also allows the victim to obtain specified declaratory and injunctive relief and damages, including reasonable attorney fees and costs. Provides further that the court has continuing jurisdiction in these actions.

UNLICENSED CONTRACTORS: CIVIL ACTION T

AB 678, PAPAN, CH. 226
B&P 7031

Allows individuals who use the services of an unlicensed contractor to bring an action to recover all compensation paid to the unlicensed contractor for performance of any act or contract.

SETTLEMENT OFFERS T

AB 732, WAYNE, CH. 153
CCP 998

Exempts prosecutors in civil enforcement actions from the law requiring parties to civil suits who decline pretrial settlement offers and then fail to obtain a more favorable judgment at trial to pay the post-offer costs of the party who offered the settlement.

UNLAWFUL DETAINER: CONTROLLED SUBSTANCES T

AB 815, HAVICE, CH. 431
H&S 11571.1

Reauthorizes for three years a limited pilot project in specified Los Angeles courts that allows public prosecutors to file unlawful detainer actions to evict from rental properties tenants unlawfully engaged in specified controlled substance offenses. Requires the city attorney and city prosecutor to report specified information annually to the Judicial Council. Also requires the Judicial Council to submit a report to the Senate and Assembly Judiciary Committees on or before January 31, 2004, evaluating the merits of the pilot program.

WATER RIGHTS: APPEALS T

AB 946, KELLEY, CH. 315
WAT 1126

Clarifies existing law regarding when decisions of the State Water Resources Board can be appealed to court by stating that reconsideration before the board is not required prior to filing a petition for a writ of mandate, except when the decision has been made under authority delegated to an officer or employee of the board.

NATIVE AMERICAN GRAVES: PROTECTION AND REPATRIATION T

AB 978, STEINBERG, CH. 818
H&S 8014, 8015, 8016

Institutes a procedure for repatriation of Native American skeletal remains and funerary objects that are currently in the possession of a state-funded entity. Provides for a dispute resolution process in cases where two or more tribes make a claim for the same remains or items. Establishes the Repatriation Oversight Commission to handle disputes not resolved by mediation. Provides that commission decisions may be reviewed by a superior court.

HEALTH BENEFITS TRUSTS: RECOVERY OF MEDICAL COSTS T

AB 1337, COHN, CH. 851
GOV 22890

Establishes the right of the California Association of Highway Patrolmen Health Benefits Trust, the Peace Officers Research Association of California Health Benefits Trust, and the California Correctional Peace Officer Association Health Benefits Trust to recover medical costs paid on behalf of a participant for injuries caused by third parties, through a lien that may be asserted against any recovery by the participant. Establishes jurisdiction of the court or arbitrator to apportion a settlement or award between a participant and all parties asserting liens if no agreement is reached between the trust and the participant. Allows the par-

ticipant to petition the court postsettlement or postjudgment for a court determination if no agreement is reached on proper apportionment as to the liens asserted by all parties.

MENTAL HEALTH: INVOLUNTARY TREATMENT T

AB 1424, THOMSON, CH. 506
W&I 5008.2, 5012, 5150.05,
5328, 5332, 14021.8

Among other things, requires (rather than permits) hearing officers, the court, or the jury to exclude from consideration evidence it deems to be irrelevant because of remoteness of time or dissimilarity of circumstances. Broadens the types of information that are required to be included in the historical course of a person's mental illness to include the patient's medical and psychiatric records. Requires that relevant information, including information provided by the patient's family or the patient about the historical course of a patient's mental disorder, be considered when determining whether probable cause exists to involuntarily detain a person for 72-hour treatment and evaluation. Requires the agency or facility providing treatment to any person to acquire the person's medication history, if possible.

EMINENT DOMAIN: LITIGATION EXPENSES T

AB 1463, LONGVILLE, CH. 192
CCP 1268.610

Provides that, where the plaintiff in an eminent domain action files a notice of abandonment or request for dismissal as to a particular defendant, and the court determines that the defendant did not own or have any interest in the property at the time the action commenced, the court is required to award that defendant only those litigation expenses incurred up to the time of the filing of the notice of abandonment or request for dismissal.

FEDERAL BANKRUPTCY: APPLICABLE EXEMPTIONS T

AB 1704, COMMITTEE ON JUDICIARY, CH. 42
CCP 703.140

Increases the amount of exemptions related to bankruptcy and requires that the dollar amount of those exemptions be increased in accordance with periodic adjustments of similar exemptions provided under federal bankruptcy laws.

GOOD FAITH REPORT OF POTENTIAL SCHOOL VIOLENCE: IMMUNITY FROM DEFAMATION LIABILITY T

AB 1717, ZETTEL, CH. 570
CIV 48.8

Provides that a communication by any person to specified school personnel regarding a threat on school grounds of violence with a firearm is subject to liability in defamation only upon a showing by clear and convincing evi-

dence that the communication or report was made with knowledge of its falsity or with reckless disregard for the truth or falsity of the communication.

ATTORNEY FEES: RIVERSIDE COUNTY T
SB 158, HAYNES, CH. 719 CCP 1021.1

Resurrects for three years, until January 1, 2005, a pilot project in Riverside County that allows the court to award attorney fees in specified civil actions (but not including personal injury, eminent domain, class action, or injunctive relief actions) against a party who refuses a formal offer to settle and then fails to obtain a more favorable judgment at trial. Also requires the Judicial Council and the Superior Court of Riverside County to assess whether the act increases the early settlement of cases and report their findings to the Legislature by March 1, 2004.

LIABILITY: INJURIES TO PEACE OFFICERS, FIREFIGHTERS, AND EMERGENCY MEDICAL PERSONNEL T
SB 448, PERATA, CH. 140 CIV 1714.9

Enacts the Brett Alan Laws Act, which revises provisions establishing liability for injuries suffered by peace officers and emergency personnel due to any person's willful acts or want of ordinary care or skill in the management of his or her property or person. Requires that the conduct causing injury be one that violates a statute, ordinance, or regulation and that the conduct causing injury was itself not the event that precipitated either the response or presence of the peace officer, firefighter, or emergency medical personnel. Makes a specified statement of legislative intent regarding a common law exception to the firefighter's rule.

PROPOSITION 65: TOXIC CHEMICALS T
SB 471, SHER, CH. 578 H&S 25249.7

Establishes criteria to guide a court in assessing any civil penalty awarded as a result of violating Proposition 65, such as the nature and extent of a violation or the willfulness of the violator's misconduct. Provides that a public prosecutor, at his or her discretion, may recover costs and attorney fees on behalf of a private party rendering assistance in a Proposition 65 case.

ETHICAL STANDARDS FOR PRIVATE ARBITRATORS: APPOINTMENT OF REFEREES T
SB 475, ESCUTIA, CH. 362 VARIOUS CCP SECTIONS

Among other things, requires an appointed arbitrator in non-judicial (private) arbitrations to comply with all disclosure requirements established in current law. Directs the Judicial Council to adopt ethical guide-

lines for these arbitrators by July 1, 2002. Requires the courts to dismiss an arbitration award if the arbitrator failed to disclose, within the time required for disclosure, grounds for disqualification of which the arbitrator was then aware. Also revises a court's ability to appoint a hand-picked referee when the parties do not agree to a referee and expands the scope of the Judicial Council's report regarding discovery references to specifically review both the voluntary and involuntary use of referees in discovery matters.

TRIAL COURT UNIFICATION: JURISDICTIONAL CHANGES; LIMITED CIVIL CASES T

SB 562, MORROW, CH. 44 VARIOUS CODE SECTIONS
Enacts various recommendations of the California Law Revision Commission to update the codes to reflect jurisdictional changes created by trial court unification. Specifies that the existence of a statute relating to the authority of the court in a limited civil case does not imply that the same authority does or does not apply in an unlimited case. Also specifies that where an action to which the claim relates would be a limited civil case, the proceeding to petition a court pursuant to these provisions would also constitute a limited civil case.

LANDLORD/TENANT T
SB 985, KUEHL, CH. 729 CCP 1161; CIV 1946.1, 1954.52-1962.7

Requires, in the cities of Los Angeles, Santa Monica, and West Hollywood, the service of a 60-day (rather than 30-day) notice by a landlord to terminate a month-to-month tenancy. Also requires any rental agreement and 3-day notice to pay or quit to disclose the name, telephone number, and address of the person to whom the rent shall be paid. Requires further that the owner must provide a copy of the rental agreement or lease to the tenant within 15 days of its execution by the tenant and to provide one copy each calendar year thereafter within 15 days of a request by the tenant.

CLASS ACTIONS: UNPAID RESIDUALS T
SB 1218, ROMERO, CH. 96 CCP 384; B&P 6034

Provides that unpaid residuals from class action litigation will be paid either to nonprofit organizations, to support projects beneficial to the class or to promote the law consistent with the objectives of the litigation, or to child advocacy programs or nonprofit legal services programs. Also deletes a statute authorizing a legal services program that never was formed and makes other related technical changes.

COURT FACILITIES

COURT FACILITIES: VENTURA COUNTY T
AB 1006, JACKSON, CH. 432 GOV 76251, 76252

Authorizes Ventura County to establish a Juvenile Justice Facilities Construction Fund. Also provides for deposits to the Courthouse Construction Fund established in that county.

COURT FACILITIES T
AB 1549, WIGGINS, CH. 852 GOV 77654
URGENCY, EFFECTIVE: OCTOBER 13, 2001

Requires the state, unless a court and a county otherwise mutually agree, to assume responsibility for suitable and necessary facilities for judicial officers and support staff for any judgeships authorized during the period from January 1, 1998, to December 31, 2002.

COURTHOUSE CONSTRUCTION FUND: MERCED COUNTY T
SB 195, CHESBRO, CH. 767 GOV 23010, 26529, 26802.5, 60204, 76224

Among other things, extends the period for required deposits to the Merced County Courthouse Construction Fund from 25 to 30 years and makes the provision applicable to deposits made to the Criminal Justice Facilities Construction Fund in Merced County.

CRIMINAL LAW AND PROCEDURE

SEX OFFENDERS: REGISTRATION T
AB 4, BATES AND CARDOZA, CH. 544 PEN 290, 290.01
DELAYED, EFFECTIVE: JULY 1, 2002

Expands sex offender registration requirements to include new or existing students, employees, residents, persons carrying on a vocation, or transients at state or community colleges or universities. Makes violation of this registration requirement a misdemeanor.

WITNESSES WITH DISABILITIES T
AB 77, HAVICE, CH. 62 PEN 868.8

Extends an existing provision protecting child witnesses in criminal cases to include testimony in domestic violence proceedings and testimony of persons with specified mental disabilities.

BURDEN OF PROOF: EVIDENCE; STATUTE OF LIMITATIONS T
AB 78, ALQUIST, CH. 235 PEN 803

Changes the prosecution's burden of proof for evidence that corroborates allegations of child sexual abuse to justify extending the statute of limitations.

MILITARY FORCES PERSONNEL: DISCRIMINATION T
AB 120, HAVICE, CH. 299 M&V 394

Makes it a misdemeanor to discriminate against any person with respect to the terms of a loan or financing based on that person's membership in the military or naval forces of this state or of the United States.

PLAYGROUNDS: SMOKING T
AB 188, VARGAS, CH. 150 H&S 104495

Makes it an infraction to smoke a cigarette, a cigar, or another tobacco-related product within a playground or "tot lot" sandbox area. Makes it an infraction to dispose of any cigarette, cigarette butt, cigar butt, or other tobacco-related waste within a playground or tot lot sandbox area. Makes it an infraction to retaliate against another person who seeks to attain compliance with the provisions of this section.

IDENTITY THEFT: CONSENT AS DEFENSE T
AB 245, WYLAND, CH. 478 PEN 530.5

Makes it a crime to use another person's personal identifying information for an unlawful purpose, regardless of whether the information was obtained without the person's consent.

DNA TESTING; INFECTIOUS DISEASE; EMPLOYEE CONTACT T
AB 453, CORREA, CH. 482 H&S 121056, 121065

Allows certain persons who conduct forensic testing and come into contact with blood or bodily fluid to petition the court ex parte to have that blood or bodily fluid tested for HIV infection and entitles those persons to the test results.

ARRAIGNMENT AND SENTENCING: DOMESTIC VIOLENCE T
AB 477, COHN, CH. 82 PEN 977

Requires that persons accused of misdemeanor offenses involving domestic violence be present for arraignment and sentencing.

FORENSIC IDENTIFICATION: DNA DATA BANK T
AB 673, MIGDEN, CH. 906 PEN 296, 299.5, 299.6

Expands the categories of convicted criminals required to submit samples to the state's DNA data bank to include those convicted of residential burglary, first-degree robbery, arson, and carjacking. Imposes civil and criminal penalties for the knowing misuse of an offender's forensic sample.

**CAMPAIGN LITERATURE:
USE OF OFFICIAL SEALS** T

*AB 706, FIREBAUGH, CH. 387
GOV 402.5, 25004.5, 34501.5,
68080.5*
Makes it a misdemeanor to use a reproduction of the seal of the state, a city, the Supreme Court, the Courts of Appeal, or the superior courts with the intent to deceive the voters in any campaign literature or mass mailing.

**RESTITUTION:
PAROLEES** T

*AB 1003, FROMMER, CH. 200
PEN 2085.5*
Adds parolees to the existing provisions requiring the director of corrections to deduct outstanding restitution fines and orders from court awards or settlements relating to imprisonment and requires that a 5 percent administrative fee be deducted as well.

CHILD PORNOGRAPHY T

*AB 1012, CORBETT, CH. 559
PEN 311.11*
Makes it a felony to possess child pornography if the person has a prior conviction for any of the offenses specified, including possession of child pornography; sale, distribution, or production of matter depicting sexual conduct by a minor; and use of a minor to produce matter depicting sexual conduct by a minor.

**VICTIMS OF CRIME:
INDEMNIFICATION** T

*AB 1019, CORBETT, CH. 419
GOV 13961.1, 13965*
Extends to victims of sexual assault indemnification for expenses that become necessary as a direct result of the crime. Extends until January 1, 2004, the operation of provisions specifying conditions on the reimbursement for mental health counseling for certain derivative victims of crime.

**SUPPRESSION
MOTIONS** T

*AB 1304, ROD PACHECO,
CH. 231
PEN 1538.5*
Specifies that if a defendant in a misdemeanor case appeals denial of his or her suppression motion, the trial court has discretion to grant a stay of the trial pending disposition of the appeal.

CAPITAL PUNISHMENT T

*AB 1460, NATION, CH. 934
PEN 3600*
Provides that a condemned inmate who commits specified offenses or who, as a member of a gang or disruptive group, orders other persons to commit any of these offenses may be housed in a security housing unit at the California State Prison, Sacramento. Provides that attorney-client access procedures that are afforded to condemned inmates in San Quentin will be afforded to condemned inmates at the Sacramento prison.

**FIREARMS: HANDGUN
SAFETY CERTIFICATE** T

*SB 52, SCOTT AND PERATA,
CH. 942
PEN 12001, 12071-12084,
12800, 12810*
Makes it a misdemeanor to purchase or receive a handgun without a handgun safety certificate or to sell, deliver, loan, or transfer a handgun to a person who does not have a handgun safety certificate. Makes it a misdemeanor to forge, alter, counterfeit, or falsify a handgun safety certificate or attempt to purchase a handgun with one of those certificates.

**FORENSIC TESTING
POSTCONVICTION;
APPOINTMENT OF
COUNSEL** T

*SB 83, BURTON, CH. 943
PEN 1405, 1417.9*
Allows an indigent inmate to request appointment of counsel by sending a written request for postconviction DNA testing to the court and requires the court to appoint counsel.

**PROPOSITION 36 DRUG
TESTING: TREATMENT
PROGRAMS** T

*SB 223, BURTON, CH. 721
VARIOUS PEN AND H&S
SECTIONS*
Requires persons ordered to undergo drug treatment pursuant to Proposition 36 to submit to drug testing.

**TOBACCO:
UNLAWFUL SALES** T

*SB 322, ORTIZ, CH. 375
PEN 308.1*
Makes it a misdemeanor to sell, offer for sale, distribute, or import a tobacco product commonly referred to as bidis or beedies unless the product is sold, offered for sale, or intended to be sold in a business that excludes minors from its premises.

**HARMFUL MATTER:
PHOTOGRAPHS OF
MINORS** T

*SB 485, COMMITTEE ON
PUBLIC SAFETY, CH. 473
PEN 1417.8*
Among other things, requires the court, on its own motion or on the motion of the People, to make a finding that photographs of minors are harmful matter and to direct the preservation, handling, and disposition of the material accordingly.

**TOBACCO CONTROL:
CRIMINAL AND CIVIL
PENALTIES** T

*SB 757, ORTIZ, CH. 376
PEN 308, 308.3*
Makes it unlawful to sell, give, or furnish in any way cigarettes or tobacco products to a person who is under the age of 18. Subjects the person who unlawfully engages in these activities to criminal and civil penalties.

**PROTECTION OF
THE EXERCISE OF
CONSTITUTIONAL
RIGHTS** T

*SB 780, ORTIZ, CH. 899
PEN 423 et seq., 13775 et seq.*
Requires a court in which a criminal or civil proceeding is filed for a violation of the Freedom of Access to Clinic Entrances Act to take all action reasonably required to safeguard the safety and privacy of the parties, victims, witnesses, and jurors in the proceeding. Allows the use of pseudonyms in civil actions related to prohibited acts.

**BATTERED WOMEN'S
SYNDROME: WRIT OF
HABEAS CORPUS** T

*SB 799, KARNETTE, CH. 858
PEN 1473.5*
Allows a writ of habeas corpus to be prosecuted on the grounds that evidence relating to battered women's syndrome was not introduced at the trial, the omission affecting the outcome of the case. Adds grounds for denial of a petition.

BRIBERY: PUNISHMENT T

*SB 923, MCPHERSON, CH. 282
PEN 68, 86, 93*

Imposes restitution fines for specified bribery offenses involving public officials.

**FIREARMS: PROHIBITED
POSSESSION; NOTICE** T

*SB 950, BRULTE, CH. 944
PEN 12021*
Requires the court, at the time judgment is imposed, to provide to a defendant convicted of a felony or violent misdemeanor, on a form supplied by the Department of Justice, a notice regarding the existing prohibition against owning or possessing a firearm.

**MENTALLY ILL
OFFENDERS: CRIME
REDUCTION GRANTS** T

*SB 1059, PERATA AND
ORTIZ, CH. 860
PEN 6044*
Establishes the Council on Mentally Ill Offenders, one member of which shall be a superior court judge appointed by the Chief Justice, to develop policy, procedures, and projects for the treatment of mentally ill adult and juvenile offenders. Sunsets on January 1, 2007.

DOMESTIC VIOLENCE AND CHILD ABUSE

**CHILD ABUSE REPORTING:
ENDANGERMENT OF
CHILD'S EMOTIONAL
WELL-BEING** T

*AB 102, ROD PACHECO, CH. 133
PEN 11165.5-11172*
Provides that any mandated reporter of child abuse who has knowledge or a reasonable suspicion that mental suffering has been inflicted upon a child or that his or her emotional well-being is endangered in any way may make a report to a child protective agency.

**DOMESTIC VIOLENCE:
PROTECTIVE ORDERS** T

*AB 160, BATES, CH. 698
FAM 6380, 6383; PEN 136.2
DELAYED, EFFECTIVE:
JANUARY 1, 2003*
Clarifies that a restraining order or protective order issued against a defendant as a result of a domestic violence crime has precedence over any civil court order. Directs the Judicial Council to promulgate a protocol for adoption by local courts to provide for coordination of all orders regarding the same persons. Requires that the protocol permit family or juvenile justice court orders to coexist with criminal court orders as long as the orders are consistent and protect the safety of the parties.

**DOMESTIC VIOLENCE
PREVENTION ACT:
DEFINITIONS** T

*AB 362, CORBETT, CH. 110
FAM 6210*
Defines the term "dating relationship" for the purposes of the Domestic Violence Prevention Act to mean frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement independent of financial considerations.

**DOMESTIC VIOLENCE:
FIREARMS** T

*AB 469, COHN, CH. 483
PEN 13730*
Requires a law enforcement officer who responds at the scene of a domestic violence incident to prepare a domestic violence incident report, which includes a notation of whether he or she found it necessary to inquire of the victim, the alleged abuser, or both whether a firearm or other deadly weapon was present at the location. Requires officers to confiscate a firearm or deadly weapon discovered at the location of a domestic violence incident.

UNIFORM INTERSTATE ENFORCEMENT OF DOMESTIC VIOLENCE PROTECTION ORDERS ACT

T
AB 731, WAYNE, CH. 816
FAM 6380, 6400 et seq.;
PEN 273.6

Enacts the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act, which authorizes the enforcement of a valid foreign protection order in a tribunal of this state under certain conditions. Prescribes the criteria for a determination of validity and specifies that registration or filing of an order in this state is not required for the enforcement of a valid order. Recasts the provisions of existing law that authorize any individual to register a foreign protection order and that require a court in this state to register the order.

DOMESTIC VIOLENCE: VICTIMS

T
AB 1017, JACKSON, CH. 712
GOV 13960–13965.5

Includes the grandparent or grandchild of a victim within the definition of “derivative victim” and, until January 1, 2007, includes outpatient mental health expense reimbursement under these provisions. Provides for tolling the period of time for filing on behalf of a derivative victim and extends the application of certain circumstances for extension of the filing period an additional year, to January 1, 2004. Provides that the victim need not be an adult to qualify for relocation expenses and deletes any limit on reimbursement to make a residence or vehicle accessible or a vehicle operational for a disabled victim.

DOMESTIC VIOLENCE: PROTECTIVE ORDERS; RECORDS, DATABASE CHECKS

T
SB 66, KUEHL, CH. 572
FAM 6306; PEN 273.75;
W&I 213.5

Requires the court, prior to the issuance or denial of a protective order, to ensure that searches of specified misdemeanor convictions, outstanding warrants, and other records and of databases are conducted to determine whether the subject of the order has any specified prior criminal convictions, is on parole or probation, or is the subject of any other protective orders. Provides that the results shall not be part of the public case file but maintained in a confidential case file and shall be considered prior to issuance of further orders. Authorizes notification by the court clerk of appropriate law enforcement agencies of the issuance of the protective order. Requires notification by the court clerk of the appropriate parole or probation officer of the contents of the protective order if the subject is currently on parole. Also requires the district attorney or city attorney to perform a thorough investi-

gation of the defendant’s history and to present this information to the court—at the defendant’s first appearance when setting bond, upon consideration of any plea agreement, and when passing sentence. Makes implementation of provisions relating to courts contingent on the court’s being identified by the Judicial Council as currently having resources or upon appropriation of funding for this purpose.

ELECTIONS

EXTENSION OF DEADLINES

T
AB 733, LONGVILLE, CH. 919
ELE 15700 et seq.

Authorizes a county elections official, where a postelection deadline would prevent the proper tabulation or recounting of ballots, to petition the superior court to extend any postelection deadline for the counting or reporting of votes so that all votes are counted pursuant to the California Constitution. Becomes operative only if the voters adopt a specified constitutional amendment.

EMPLOYEES

WORKPLACE LANGUAGE POLICIES **A,T**
AB 800, WESSON, CH. 295
GOV 12951

Makes it unlawful for an employer to adopt or enforce a policy that prohibits the use of a language other than English in the workplace unless the policy is justified by an overriding business necessity, as defined, with notice of the policy and consequences for violation to employees.

BREASTFEEDING MOTHERS: WORKPLACE ACCOMMODATION **A,T**
AB 1025, FROMMER, CH. 821
LAB 1030 et seq.

Requires employers to provide a reasonable amount of break time to employees desiring to express milk. Provides that the break time for expressing milk shall be unpaid. Also requires employers to provide the use of a location for this purpose other than a toilet stall, close to the employees’ work area.

TRIAL COURT EMPLOYEES: AGENCY SHOP ELECTIONS

T
SB 128, BURTON, CH. 270
VARIOUS GOV SECTIONS

Makes various technical and clarifying changes related to trial court employees. Restricts agency shop elections to no more than one per year for each bargaining unit and requires that these elections be conducted by the Division of Conciliation of the Department of Industrial Relations if the parties fail to select a neutral person or entity to conduct the

election within 10 days of the election petition. Provides for specified procedures for the release of budget and management information by the trial courts and the Judicial Council, including a hearing and appeal process. Requires a hold harmless indemnification clause in agency fee agreements.

COURT HOLIDAY: CÉSAR CHÁVEZ DAY **A,T**
SB 1112, POLANCO, CH. 542
CCP 10, 12(A), 135
Makes César Chávez Day a judicial holiday.

LABOR RELATIONS: WORK HOURS; EXEMPTIONS

T
SB 1208, ROMERO, CH. 148
LAB 514, 515.6, 554

Among other provisions, specifies that sections 510 and 511 of the Labor Code, regarding overtime pay and alternative work-week schedules, do not apply to employees covered by a qualifying collective bargaining agreement. States that these provisions are declarative of existing law.

EVIDENCE

PRIOR SEXUAL OFFENSES **T**
AB 380, WRIGHT, CH. 517
EVID 1108

Expands the definition of “sex offense” under the exception to the inadmissibility of character evidence, which allows for the introduction of evidence of past sex offenses.

PRIVILEGED COMMUNICATIONS **T**
SB 716, MACHADO, CH. 142
EVID 1010

Changes the definition of “psychotherapist” for the purpose of the psychotherapist-patient privilege by applying the patient’s reasonable belief standard to all professionals identified as psychotherapists.

FAMILY LAW

SOCIAL SERVICES: CHILD SUPPORT ENFORCEMENT **T**
AB 429, ARONER AND CHAN, CH. 111
VARIOUS CODE SECTIONS

Omnibus social services bill to change programs administered by various social services agencies. Makes the following changes related to the Department of Child Support Services (DCSS). Clarifies the relationships between the Franchise Tax Board, DCSS, and county child support agencies. Extends for one year DCSS authority to implement a new child support collection program through all-county letters and regulations. Provides authority for DCSS to require timely remissions of child support payment collections from local child support

agencies. Establishes a Child Support Recovery Fund to meet federal audit requirements. Aligns the standards for payment of performance incentives to local child support agencies with federal and state program standards and arranges for payment of those incentives based on performance in the budget year and thereafter.

ADOPTION **T**
AB 538, CARDOZA, CH. 353
FAM 7630, 8919, 9001;
W&I 16005, 16010

Requires a paternity action that is consolidated with an action to terminate the parental rights of the father in an adoption proceeding to be heard in the county in which the action to terminate parental rights is filed, unless the court finds that transferring the paternity action to that county poses a substantial hardship. Authorizes a licensed clinical social worker or licensed marriage and family therapist to engage in an investigation of and make recommendations regarding step-parent adoption. Requires that siblings be assigned to the same social worker when there is a prospective adoptive family that intends to adopt the children as a sibling group, except as specified.

MARITAL LIABILITY: SPOUSAL DEBTS **T**
AB 539, MADDOX, CH. 702
FAM 914

Specifies that an action based upon the marital liability of a deceased spouse must be commenced within a one-year period, except as specified.

DISSOLUTION OF MARRIAGE: COMMUNITY PROPERTY **T**
AB 583, JACKSON, CH. 703
FAM 1101, 2100, 2102, 2105, 2106, 2107, 2122

Modifies provisions in marital dissolution cases regarding each party’s continuing duty to update and augment his or her financial disclosure by providing that each party shall do so immediately, fully, and accurately upon material change. Requires that the written disclosure be made in time for the other spouse to make an informed decision as to whether he or she desires to participate in the investment opportunity, business opportunity, or income-producing opportunity that presents itself after the date of separation but that results from an investment, a business activity, or another income-producing opportunity generated before the separation. Provides that specified standards apply to all activities that affect the assets or liabilities of the other spouse and the income or expenses of that party. Requires a court to set aside a judgment upon a party’s failure to comply with all disclosure requirements.

**CHILD SUPPORT:
DISABLED NON-
CUSTODIAL PARENTS T**

*AB 891, GOLDBERG, CH. 651
FAM 4504, 5246, 17400.5,
17500; R&T 19271*

Revises provisions relating to the deductibility of certain federal payments from a noncustodial parent's gross income to include benefits paid by the Department of Veterans Affairs. Provides that a child support delinquency may not be referred to the Franchise Tax Board—or, if already referred, must be withdrawn, rescinded, or otherwise recalled—if the obligor is receiving payments under the State Supplementary Payment Program/Supplemental Security Income Program for aged, blind, and disabled persons or, but for certain excess income, would be eligible for those payments, as specified. Prohibits an order to withhold income exceeding a specified amount, issued by a local child support agency in the case of a disabled obligor, as specified.

MARRIAGE LICENSES T

*AB 1323, NEGRETE
MCLEOD, CH. 39
FAM 423, 506, 508 et seq.*

Deletes the provision requiring the person solemnizing a confidential marriage to provide the parties who were married with a copy of the confidential marriage certificate. Requires that upon completion of the confidential marriage certificate the parties who were married be provided with an application to obtain a certified copy of the confidential marriage certificate from the county clerk.

**CHILD SUPPORT:
EARNINGS
ASSIGNMENT T**

*AB 1426, WRIGHT, CH. 371
FAM 5241*

Provides that a child support obligee or a local child support agency upon application may obtain an order requiring payment of support by electronic transfer from an employer's bank account where the employer has willfully failed to comply with an assignment order or has otherwise failed to comply with an assignment order on three separate occasions within a 12-month period. Provides that the court may impose a civil penalty on the employer in the amount of 50 percent of the support amount that has not been received by the obligee under specified circumstances. Also makes the employer liable to the obligor for any interest incurred by the obligor as a result of the employer's failure to forward the payment to the obligee.

**CHILD SUPPORT:
PUBLIC ASSISTANCE
DEBT LIABILITY T**

*AB 1449, KEELEY, CH. 463
FAM 17415, 17550, 17552;
W&I 903*

Requires the Department of Child Support Services to establish regulations for the compromise of child support arrearages owed as reimbursement for public assistance when the child is returned to the custody of the obligor. Provides that the compromise is appropriate only where the obligor parent has an income less than 250 percent of the federal poverty level and the local child support agency (LCSA) determines, pursuant to regulations, that the compromise is necessary for the support of the child. Prior to compromising the debt, LCSA is required to consult with the county child welfare department. Requires the Department of Social Services to establish regulations by October 1, 2002, defining cases in which it would be contrary to the best interest of the child for the county welfare department to refer a case to LCSA for the establishment of a support order for the reimbursement of public assistance.

**JUDICIAL PROCEEDINGS:
JUVENILES; CASA
PROGRAMS T**

*AB 1697, COMMITTEE ON
JUDICIARY, CH. 754
CCP 1211; FAM 750, 7895;
PEN 11165.7; W&I 358.1, 827*

Authorizes a commissioner or another hearing officer assigned to a family law case with custody or visitation issues to inspect the case file. Authorizes the minor's appointed counsel, if actively participating in such a family law case, to inspect the case file. Limits the authority given under existing law for inspection by family court mediators and child custody evaluators to persons who are actively participating in such a family law case. Classifies employees or volunteers of a Court Appointed Special Advocate program as "mandated reporters" who are required to report suspected child abuse and neglect to specified departments.

**PREMARITAL
AGREEMENTS T**

*SB 78, KUEHL, CH. 286
FAM 1612, 1615*

Sets forth specified findings that the court is required to make in order to find that a premarital agreement was executed voluntarily. Provides that a premarital agreement regarding spousal support is not enforceable unless the party against whom enforcement is sought was represented by independent counsel or knowingly waived representation. Specifies that a premarital waiver of spousal support may not be enforced if the court later finds it to be unconscionable.

**ADOPTION: REVOCATION
OF CONSENT T**

*SB 104, SCOTT, CH. 688
FAM 8801.3, 8814.5*

In an independent adoption, provides that the birth parent or parents have a 30-day period in which to either (1) sign and deliver to the Department of Social Services or delegated county adoption agency a written, notarized statement revoking the consent and requesting that the child be returned to the birth parent or parents or (2) sign, in the presence of a representative of the department or delegated county adoption agency, the waiver of the right to revoke consent on a form prescribed by the department. After revoking consent, the birth parent or parents may reinstate the original consent by signing and delivering a written, notarized statement to the department or delegated county adoption agency, in which case the revocation of consent would be void and a new 30-day period would commence.

CHILD SUPPORT T

*SB 943, COMMITTEE ON
JUDICIARY, CH. 755
FAM 17212-17804 et seq.; CCP
706.030; W&I 10081 et seq.*

Extends by 30 days the period available to the local child support agency for providing a written response to a complaint. Requires that administrative reviews by the local child support agency regarding disputes about the amount to be withheld for arrearages, pursuant to a withholding order for support of a child or claims of mistaken identity regarding child support enforcement actions, occur within 30 days of the receipt of the request and be conducted in the same manner as provided for resolution of a child support complaint. Requires county child support agencies participating in state child support incentive programs to provide specified data to the Department of Child Support Services no later than 15 days after the end of each quarter. Requires incorporation of the annual automation cooperation agreement into a specified cooperative agreement and requires the establishment of an appeals process for counties that have had federal funds withheld pursuant to these provisions.

**CHILD CUSTODY:
APPEALS OR ORDERS
OR JUDGMENTS A,T**

*SB 1151, MARGETT, CH. 48
CCP 917.7*

Excludes from automatic stay provisions judgments brought pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act, the Parental Kidnapping Prevention Act of 1980, and the Hague Convention on the Civil Aspects of International Child Abduction Remedies Act.

**SPOUSAL SUPPORT:
DOMESTIC VIOLENCE T**

*SB 1221, ROMERO, CH. 293
FAM 3600, 4320, 4325*

Provides that in any proceeding for dissolution of marriage where there is a criminal conviction for an act of domestic violence perpetrated by one spouse against the other and entered by the court within five years prior to the filing of the dissolution proceeding—or at any time thereafter—there shall be a rebuttable presumption, affecting the burden of proof, that any award to the abusive spouse of temporary or permanent spousal support that is otherwise awardable pursuant to the standards of the provisions governing the award of spousal support shall not be made. Authorizes the court to consider the convicted spouse's history as a victim of domestic violence as a condition for rebutting this presumption.

JUDICIAL OFFICERS**JUDGES' RETIREMENT:
RECIPROCITY; SERVICE
CREDITS A,T**

*AB 1099, HAVICE, CH. 433
GOV 20639, 22970.16, 31835,
75030.9*

Provides reciprocity for judges who have prior service in a state or county retirement system. Permits a judge to elect to make contributions and receive service credit for the time in which the judge served as a subordinate judicial officer. Permits judges to participate in the state's supplemental contribution program. Permits a judge to change a modified retirement allowance if the judge's spouse predeceases the judge.

**PRESIDING JUDGES'
PAY DIFFERENTIAL A,T**

*SB 742, ESCUTIA, CH. 118
VARIOUS GOV SECTIONS*

Among other things, adds 4 percent to the salary of the Chair of the Judicial Council, the presiding judges in courts with 15 or more judges, and the administrative presiding justices of the appellate courts; adds 2 percent in courts with 4 to 14 judges. Pay differentials do not apply to retirement benefits.

JURIES

GRAND JURORS: COMPENSATION T
AB 1161, PAPAN, CH. 218
PEN 890
Increases grand juror compensation to \$15 per day.

JURY EXEMPTION: BART POLICE T
SB 303, TORLAKSON, CH. 55
CCP 219
Exempts San Francisco Bay Area Rapid Transit (BART) police from criminal and civil jury duty.

JUVENILE DELINQUENCY

SCHOOL: ASSAULT AND BATTERY T
AB 653, HORTON, CH. 484
PEN 241.2, 243.2; W&I 729.6
Authorizes the court, when an assault was committed by a minor on school property, to order the minor to undergo counseling.

BOOKING AND FINGERPRINTING T
AB 701, DICKERSON, CH. 334
W&I 626
Provides that if a minor is released upon written notice to appear, the notice may require the minor to be fingerprinted, photographed, or both upon appearance before the probation officer.

CRIMINAL STATISTICS: PROPOSITION 21 RESULTS T
SB 314, ALPERT, CH. 468
PEN 13010.5, 13012, 13012.5
Requires the criminal justice data collected by the Department of Justice to additionally contain statistics on the administrative actions taken by the criminal justice system regarding juveniles coming under Proposition 21.

JUVENILE COURT JUDGES: INTRACOUNTY NOTICE; TRAFFIC INFRACTIONS: NOTICE TO APPEAR T
SB 940, COMMITTEE ON JUDICIARY, CH. 830
VEH 40513; W&I 202, 241.1, 257, 727.3, 727.32, 827.9, 828
Allows the court to proceed in juvenile infraction cases directly on a notice to appear. Requires juvenile court judges to act in accordance with the Judicial Council standard of judicial administration regarding their leadership role in developing a community's prevention, intervention, and treatment services for at-risk children and families. Requires the probation department to file a petition to terminate parental rights within a specified time frame for children who are foster care wards of the court. In Los Angeles County only, establishes

uniform procedures for inspection, copying, and dissemination of juvenile case files; establishes a statutory framework for disclosure of juvenile police records.

JUVENILE DEPENDENCY

FOSTER CARE IMPROVEMENT AND ACCOUNTABILITY ACT OF 2001 T
AB 636, STEINBERG, CH. 678
W&I 10601.2
Requires the Department of Social Services to establish, by April 1, 2003, the California Child and Family Service Review System, in order to review all county child welfare systems. Requires, by October 1, 2002, the California Health and Human Services Agency to convene a working group to adopt measurable outcome standards for foster children and their families. Requires the department to assist counties in ensuring that these outcomes are achieved.

DEPENDENT CHILDREN: SIBLINGS T
AB 705, STEINBERG, CH. 747
W&I 306.5, 366.21, 366.26, 366.29, 366.3
Requires a social worker to place siblings taken into temporary custody together, whenever appropriate and practical, or to document either the steps being taken to place them together or the reasons that placing them together is inappropriate or impractical. Requires the social worker to provide the supplemental report and recommendation to the child's counsel at least 10 days before the dispositional hearing. States that substantial interference with a sibling relationship would be a compelling reason for the court to consider that termination would be detrimental to the child. Provides that, upon adoption of a dependent child, the court's jurisdiction would terminate except for purposes of enforcing the postadoption contact agreement.

RIGHTS OF FOSTER CHILDREN T
AB 899, LIU, CH. 683
H&S 1530.91
Requires foster care facilities to make certain information regarding the rights of children in foster care available to those children. Sets forth the state's policy that children placed in foster care have certain rights and requires social workers and facilities providing social services for children in foster care to give the children information about those rights.

JUVENILE COURT PROCEEDINGS T
AB 1129, LIU, CH. 713
W&I 213.5
Allows the juvenile court to issue ex parte civil harassment orders against any person, whether or not that person is a member of the child's household. Also allows a dependency court to issue ex parte civil harassment orders to protect the parent or guardian of a dependent child, whether or not the child resides with that parent.

FOSTER CARE LICENSING T
AB 1695, COMMITTEE ON HUMAN SERVICES, CH. 653
H&S 1505 et seq.; W&I 309 et seq.
URGENCY, EFFECTIVE: OCTOBER 10, 2001
Makes changes needed to conform California law with federal regulations concerning foster care placement licensing and certification. Provides that the standards used to evaluate and grant or deny approval of the home of a relative or the home of a nonrelative extended family member for the placement of a child shall be the same standards as set forth in specified regulations for licensing foster family homes. Also provides for conditional approval pending criminal history information and revises the safety requirements regarding placement in a relative's home in specified instances. Revises the circumstances in which reunification services need not be provided to a parent or guardian from whose custody a child has been removed by the juvenile court.

REMOVAL FROM HOME: MINOR T
AB 1696, COMMITTEE ON HUMAN SERVICES, CH. 831
W&I 628 et seq.
Makes changes needed to keep California in compliance with federal requirements for probation youth in foster care. Requires county probation officers to make reasonable efforts to prevent the removal of a child from her or his home. Requires the juvenile court to make specified findings regarding the provision of reasonable efforts. Clarifies various provisions regarding the case plan for a ward removed from his or her home and requires that the child's parent or parents have an opportunity to participate in the development of the case plan. Authorizes the juvenile court to forgo reunification services when specified conditions exist. Also clarifies the date of entry into foster care for a child who was a dependent of the court but for whom a petition is later filed to make the child a ward of the court.

LEGAL SERVICES

LEGAL DOCUMENT ASSISTANTS: VOCATIONAL REGISTRATION T
AB 158, ROBERT PACHECO, CH. 35
B&P 6406, 22354, 22456
Provides that a certificate of registration for a legal document assistant ceases to be effective on the date the bond expires if that date is prior to the two years that a certificate is generally valid. Allows for renewal of registration up to 60 days prior to the expiration of a current registration. Makes a renewed certificate effective for two years or until the date the bond expires, whichever occurs first.

SENIOR LEGAL SERVICES T
AB 830, COHN, CH. 682
W&I 9320
Requires the California Department of Aging to establish a task force of specified members to study and make recommendations to the Legislature on issues relating to legal services for seniors.

ATTORNEYS: PRO BONO SERVICES T
AB 913, STEINBERG, CH. 880
B&P 6072
DELAYED, EFFECTIVE: JANUARY 2, 2003
Among other things, requires law firms that enter into certain contracts with the state for legal services to agree to make a good faith effort to provide a minimum number of hours, as specified, of pro bono legal services during the duration of the contract. Also provides that failure to make such a good faith effort may be cause for nonrenewal of the contract and may be taken into account in the awarding of future contracts.

PARALEGALS: QUALIFICATIONS T
AB 1083, BATES, CH. 311
B&P 6450, 6451
Requires that a person hold himself or herself out to be a paralegal in order to be considered a paralegal and that, among other things, the person be qualified by education, training, or work experience to be a paralegal. Makes clarifying changes to the provisions that prohibit a paralegal from performing services for a consumer unless those services are performed under the direction and supervision of an attorney, law firm, corporation, government agency, or other entity that employs or contracts with paralegals.

LAW LIBRARY BOARDS OF TRUSTEES T

AB 1103, PAPAN, CH. 52
B&P 6301, 6301.5

Revises and recasts the provisions that provide for the membership of law library boards. Authorizes the appointment of persons who are residents of the county in addition to trial court judges, members of the State Bar, or members of the board of supervisors.

ATTORNEYS: STATE BAR ANNUAL FEE BILL T

SB 352, KUEHL, CH. 24
B&P 6032 et seq.

Extends the State Bar's authority to charge membership fees to active members to December 31, 2003, and decreases the maximum amount of the fee to \$310. Also decreases the maximum allowable increase in membership fees for the Client Security Fund to \$35 per active member per year. Removes the provision on an attorney's duty to abstain from having an offensive personality, consistent with recent case law finding the provision unconstitutional. Also deletes obsolete provisions relating to certain past obligations of the State Bar.

ATTORNEYS: DIVERSION AND ASSISTANCE A,T

SB 479, BURTON, CH. 129
B&P 6140.9, 6230 et seq.

Requires the Board of Governors of the State Bar of California to establish and administer an attorney diversion and assistance program. Requires that program to provide services for the treatment and recovery of attorneys made necessary by mental illness or the abuse of dangerous drugs or alcohol. Authorizes the board to charge an annual fee of up to \$10 to each active member of the State Bar to cover the costs of the program.

ATTORNEYS: PRACTICE WITHOUT A LICENSE A,T

SB 1194, ROMERO, CH. 304
B&P 6126.5, 22443.1 et seq.

Allows a person who obtained legal services from a person who is not a member of the State Bar, or who purchased goods, services, or property in connection with such services, to commence an action for legal relief. Entitles the individual to be awarded damages in the amount that he or she suffered loss and equitable relief from the individual who practiced law without an active bar membership or who sold the goods, services, or property. This applies to an enforcement action brought by the Attorney General, a district attorney, or a city attorney acting as a public prosecutor. Requires the court to award reasonable attorney fees and costs and allows the court to award exemplary damages to the prosecuting attorney. Makes it unlawful for a person to disseminate a statement indicating that he or she acts or proposes to act as an immigration consultant without having filed a bond.

PROBATE**PERSONAL REPRESENTATIVES: COMPENSATION** T

AB 232, JOHN CAMPBELL, CH. 699

PRO 1303, 10800, 10804, 10810

Raises the compensation paid to personal representatives and attorneys of estates that are valued up to \$200,000. Also includes in the list of appealable orders made by a probate court a final order prorating estate taxes or generation-skipping transfer taxes.

GUARDIANS OR CONSERVATORS: CHARITABLE CORPORATIONS T

AB 479, SHELLEY, CH. 351
PRO 2104, 15604

Provides that if a nonprofit charitable corporation is appointed as a guardian or conservator, the corporation's compensation, as well as any fee allowed for an attorney for the corporation when the corporation is acting in that capacity, shall be only for services actually rendered, rather than based on the value of the estate.

NONPROBATE TRANSFERS: FORMER SPOUSES T

AB 873, HARMAN, CH. 417
PRO 856.5, 5003, 5601

Among other things, invalidates specified nonprobate transfers (for example, by trust, insurance policy, pay-on-death accounts, joint tenancy, or retirement benefit plan designations) made to former spouses by a decedent before the termination of the marriage, unless there is clear and convincing evidence that the decedent intended for the benefits or property to pass to the former spouse even after termination of the marriage. Also requires the court to award costs, including attorney fees, and damages against a person who in bad faith serves a written notice of adverse interest to the holder of property or instrument that is subject to a nonprobate transfer provision. Further requires the court to deny a petition to determine ownership of real or personal property claimed by an estate, a ward or conservatee, or a trustee if the court determines that the matter should be determined by a civil action.

HEALTH CARE DECISIONS T

AB 1278, WAYNE, CH. 230
H&S 7100; PRO 4123, 4609, 4711, 4766, 4769

Clarifies duties and liabilities of an appointed agent for health care with respect to funeral decisions, as well as the relationship between a surrogate and an agent. Removes the ability to make health care decisions from the authority that may be given by a person to an attorney-in-fact (agent) under a general power of attorney. Also redefines "capacity" as used in the Health Care Decisions Law and provides for the use of a court petition to enforce health care instructions by the person or his or her agent or surrogate.

CONSERVATORSHIP: BONDS T

AB 1286, ROD PACHECO AND BOGH, CH. 563

GOV 7480; PRO 2321, 2327, 2620, 2890 et seq.

Prohibits the probate court from waiving the filing of a bond by a conservator without good cause and requires that a separate bond be filed for each conservatee, except where assets of the conservatees are commingled, in which case one bond that covers all assets may be required. Also requires certain financial institutions holding assets of a conservatee or ward to file directly with the court specified statements regarding those assets, at specified periods during a conservatorship or guardianship. Exempts public guardians from the requirement that original account statements from a financial institution accompany all accountings to the court for the estate of a conservatee or ward where the assets are maintained in pooled accounts. Clarifies what information submitted in conjunction with court accountings would be confidential and subject to disclosure only upon order of the court.

PUBLIC GUARDIAN T

AB 1517, CANCIAMILLA AND THOMSON, CH. 232

PRO 2901, 2952, 2953

Makes a number of changes to the powers and duties of public guardians. Among other things, extends from 5 to 15 days the period of validity of a certification allowing the public guardian to take temporary control of the property of an elder or dependent adult person in order to protect that person's assets. Sets forth procedures to be followed to keep confidential personal information regarding wards or conservatees, when such information is contained in documents filed with the court. Also allows the public guardian to take control of jointly held property of, and to terminate the occupancy of anyone living in the home of, an elder person subject to financial abuse.

GUARDIANS AND CONSERVATORS: BOND POSTING AND DISCLOSURES T

SB 140, BOWEN, CH. 359
PRO 2320.1, 2320.2

Among other things, requires that when a conservator or guardian knows, or should know, that a bond is less than the amount required under existing law, he or she must apply for an order increasing the bond to the required amount. States further that the failure to file an account after being cited shall constitute contempt of court and requires that the court take one or more specified actions, including removal of the guardian or conservator, appointing a temporary guardian or conservator, or appointing legal counsel to represent the ward or conservatee.

ESTATES AND TRUSTS: ALLOCATION OF DEBTS T

SB 668, POOCHIGIAN, CH. 72
PRO 11444, 19324

Revises the provision relating to the allocation of debts in the absence of an agreement, initially requiring that a court characterize the debts as separate or community, and then setting forth a procedure for allocating the separate or community debts to assets similarly characterized, which would then be primarily liable for the debts. Permits a court to order a different allocation of debts if the court finds it to be equitable under the circumstances. Also permits certain third parties that incur specified damages or expenses, including attorney fees, in connection with the allocation or misallocation of a debt under the provisions described above to recover them, as a court deems reasonable.

PROPERTY CLAIMS T

SB 669, POOCHIGIAN, CH. 49
VARIOUS PRO SECTIONS

Reorganizes various provisions in the Probate Code dealing with determination of property claims against estates of decedents, minors and conservatees, and trusts. Authorizes the superior court sitting in probate to try questions of title affecting property and any factually related matters claimed by a fiduciary acting on behalf of an estate or another person.

PUBLIC RECORDS

DEPARTMENT OF MOTOR VEHICLES: RECORDS T
AB 84, HERTZBERG, CH. 809
VEH 1808.4

Requires the Department of Motor Vehicles to withhold the home addresses of trial court employees, and the spouses and children of those employees, from public inspection. Also authorizes the disclosure of the home addresses of certain public employees and officials to an attorney in a civil or criminal action who demonstrates to a court a need for the information, if the disclosure is made pursuant to a subpoena.

PUBLIC RECORDS ACT: DISCLOSURE PROCEDURES A,T
AB 1014, PAPAN, CH. 355
GOV 6253, 6253.1

Requires state and local agencies to assist members of the public in identifying records and information. Provides suggestions for overcoming any practical basis for denying access to the records or information sought. Provides that upon a request for a copy of records an agency has 10 days to determine whether the request seeks disclosable public records and to notify the requester of this determination and the reasons therefor. Requires the agency to state the estimated date and time when the records will be made available.

TRAFFIC

TRAFFIC VIOLATOR SCHOOLS T
AB 509, LEACH, CH. 457
VEH 626, 11200, 11208

Provides that schools licensed by the Department of Motor Vehicles as traffic violator schools may include instruction for any person who elects to attend. Prohibits traffic violator schools from issuing a certificate of completion to any student whose attendance has not been ordered by a court. Also provides that a person who elects to attend a traffic violator school must be given and sign a consumer disclosure statement from the school prior to paying any school fees. Specifies that this requirement does not apply to persons referred by a court to traffic violator schools.

DUI: PRIOR OFFENSES T
AB 1078, JACKSON, CH. 849
VEH 23550.5

Deletes the 10-year limitation on prior convictions of driving-under-the-influence offenses, which make current offenses punishable as either a misdemeanor or a felony.

UNATTENDED CHILDREN IN VEHICLES T
SB 255, SPEIER, CH. 855
VEH 15600 et seq.

Makes it an infraction for the parent, the legal guardian, or any other person responsible for a child 6 years of age or younger to leave that child inside a motor vehicle without the supervision of a person who is 12 years of age or older and where there are conditions that present a significant risk to the child's health or safety, or when the vehicle's engine is running or the vehicle's keys are in the ignition or both. Authorizes the court to reduce or waive the fine if the defendant is economically disadvantaged and attends a community education program.

DUI: PROGRAMS, PROCEDURES, AND FINES T
SB 776, TORLAKSON, CH. 857
VEH 1680

Requires the Department of Motor Vehicles to review the effectiveness of programs, procedures, sanctions, fines, and fees provided for in current law relating to the offense of driving under the influence of alcohol or drugs and to report to the Legislature on or before July 1, 2002.

EXHAUST AND MUFFLER SYSTEMS T
SB 1081, JOHANNESSEN, CH. 92
VEH 23130, 27150.1, 27151

Among other things, authorizes a court to dismiss an action in which a person is prosecuted for a violation of specified provisions concerning the use of mufflers and exhaust systems if the vehicle is equipped with an exhaust system that complies with specified regulations described in the bill.

TRIAL COURT OPERATIONS

TRIAL COURT FUNDING CLEANUP; EVIDENCE; DISCOVERY T
AB 223, FROMMER, CH. 812
CCP 425.10, 425.11, 489.220, 685.030, 720.160, 720.260, 877.6, 1013, 1134, 2017, 2025, 2026, 2033.5, 2093; EVID 915; GOV 68502.5, 68113, 68511.3, 71629, 72055, 77001, 77003, 77009, 77202, 77206, 77212, 77214; PEN 1463.1

Among other things, revises the procedures for the audit and review of trial court operations funds. Authorizes a clerk of court to issue a commission authorizing a deposition in another state or place without a noticed motion or court order. If a foreign jurisdiction requires a court order, one can be obtained by ex parte application. Expands the Judicial Council's authority to develop and approve official form interrogatories in any civil action. Also specifies circumstances

under which a judicial officer may or may not require disclosure of attorney work product. Includes several trial court funding cleanup provisions and eliminates references to the Trial Court Budget Commission. Provides for the use of advanced electronic technologies in conducting discovery in certain cases.

COURTS: PROCEDURES AND GRANTS A,T
AB 1700, STEINBERG AND FROMMER, CH. 824

CCP 403.020, 403.030, 403.040, 403.050, 403.060, 1010.6; GOV 6159; W&I 100
Deletes obsolete provisions and numerous technical changes related to trial court funding cleanup. Among other things, clarifies the procedures for reclassifying civil cases; increases the maximum amount of a grant that the Judicial Council may award to a Court Appointed Special Advocate program; authorizes the court, at its discretion, to charge defendants an administrative fee imposed by a credit card company when credit card payments are made pursuant to Government Code section 6159(b)(1); and requires that certain court documents that are filed electronically be signed prior to or on the same day they are transmitted to the court. See AB 145, which also includes provisions on credit card payments.

COURT CLERKS: DUTIES T
SB 210, COMMITTEE ON LOCAL GOVERNMENT, CH. 176

VARIOUS CODE SECTIONS
Among other things, replaces references to the county clerk with references to the clerk of the court, where appropriate to reflect who actually performs specified functions.

MISCELLANEOUS

DOMESTIC PARTNERSHIPS T
AB 25, MIGDEN, CH. 893
VARIOUS CODE SECTIONS

Expands the class of persons who may establish and register domestic partnerships to include opposite-sex couples in which only one individual, rather than both, is over the age of 62. Also expands the legal rights and economic benefits of domestic partners in a number of areas, consistent with the rights, privileges, and standing of spouses. Among other things, provides a domestic partner with the right to adopt his or her partner's child as a stepparent, to inherit property, to file wrongful death lawsuits, and to make medical decisions for an incapacitated partner, as well as the right to take sick leave, to collect unemployment insurance benefits, to file a claim for disability benefits, and to participate fully in conservatorship proceedings.

CREDIT CARDS: ACCEPTANCE BY COURTS T

AB 145, ROBERT PACHECO, CH. 108
GOV 6159
Authorizes credit card payments for the deposit of bail for any offense not declared to be a felony and for any court-ordered fee or fine. See AB 1700, which also includes these provisions.

DISCRIMINATION; DISABILITY PARKING PLACARDS A,T

AB 677, STEINBERG, CH. 708
GOV 11135, 11139;
VEH 22511.55, 22511.59
Requires the state to comply with the same nondiscrimination and equal access obligations that are currently applied to its political subdivisions, contractors, and other recipients of state funds. Revises the definition of "disability" for these purposes to conform with the definition in other areas of existing state law. Also bans the imposition of fees for disability parking placards, consistent with recent federal court decisions.

CONTRACT SPECIFICATIONS: SUBSTITUTIONS A,T

AB 1442, PES CETTI, CH. 267
PUB 3400, 10129
Provides that restrictions on the manner of drafting bid specifications on public agency contracts with respect to specifying particular products do not apply if an awarding state or local authority makes a finding that a particular material or service is designated by a brand name, either to make a field test or to match a material or service in use on a particular public improvement. Also applies to local government contracts the state requirement that if no time period is specified bidders have 35 days after the award of the contract to submit data substantiating a request for substitution of "an equal" item.

PILOT PROJECTS: STATE AND LOCAL PROGRAMS T

SB 153, KNIGHT, CH. 115
VARIOUS CODE SECTIONS
Repeals numerous obsolete or expired pilot projects, such as projects relating to jury composition, electronic recording of court proceedings, and the use of facsimile machines in the judicial process.

SHORTHAND REPORTERS T

SB 852, FIGUEROA, CH. 616
VARIOUS B&P SECTIONS
Authorizes the Court Reporters Board to administer the Transcript Reimbursement Fund.

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